

**U.S. District Court  
California Northern District (Oakland)  
CIVIL DOCKET FOR CASE #: 4:14-cv-03180-JSW**

Kunkel et al v. John Wiley & Sons, Inc.  
Assigned to: Hon. Jeffrey S. White  
Cause: 17:501 Copyright Infringement

Date Filed: 07/14/2014  
Date Terminated: 12/01/2014  
Jury Demand: Both  
Nature of Suit: 820 Copyright  
Jurisdiction: Federal Question

**Plaintiff**

**Dennis Kunkel**  
*on behalf of themselves and all others similarly  
situated*  
*TERMINATED: 10/06/2014*

represented by **Christopher Seidman**  
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**Plaintiff**

**David Wrobel**

*on behalf of themselves and all others similarly  
situated*

represented by **Christopher Seidman**

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**Plaintiff**

**John Cunningham**

*on behalf of themselves and all others similarly situated*

represented by **Christopher Seidman**  
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**Eric B. Fastiff**  
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**Plaintiff**

**Dennis Kunkel Microscopy, Inc.**

*on behalf of themselves and all others similarly situated*

represented by **Dean Michael Harvey**  
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**Eric B. Fastiff**  
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**Plaintiff**

**Stephen Babbitt**

*on behalf of themselves and all others similarly situated*

represented by **Dean Michael Harvey**  
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V.

**Defendant**

**John Wiley & Sons, Inc.**

represented by

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Date Filed	#	Docket Text
07/14/2014	<u>1</u>	Class Action COMPLAINT (with jury demand) against John Wiley & Sons, Inc. (Filing fee \$400, receipt number 0971-8767180). Filed by Dennis Kunkel, John Cunningham, David Wrobel. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Civil Cover Sheet)(Fastiff, Eric) (Filed on 7/14/2014) Modified on 7/15/2014 (cjlS, COURT STAFF). (Entered: 07/14/2014)
07/14/2014	<u>2</u>	Proposed Summons. (Fastiff, Eric) (Filed on 7/14/2014) (Entered: 07/14/2014)
07/15/2014	<u>3</u>	Case assigned to Magistrate Judge Kandis A. Westmore.  Counsel for plaintiff or the removing party is responsible for serving the Complaint or Notice of Removal, Summons and the assigned judge's standing orders and all other new case documents upon the opposing parties. For information, visit <i>E-Filing A New Civil Case</i> at

<http://cand.uscourts.gov/ecf/caseopening>.

Standing orders can be downloaded from the court's web page at [www.cand.uscourts.gov/judges](http://www.cand.uscourts.gov/judges). Upon receipt, the summons will be issued and returned electronically. Counsel is required to send chambers a copy of the initiating documents pursuant to L.R. 5-1(e)(7). A scheduling order will be sent by Notice of Electronic Filing (NEF) within two business days. (svS, COURT STAFF) (Filed on 7/15/2014) (Entered: 07/15/2014)

07/15/2014	<u>14</u>	<b>Initial Case Management Scheduling Order with ADR Deadlines: Case Management Statement due by 10/7/2014. Case Management Conference set for 10/14/2014 01:30 PM in Courtroom 4, 3rd Floor, Oakland. (cjlS, COURT STAFF) (Filed on 7/15/2014) (Entered: 07/15/2014)</b>
07/15/2014	<u>15</u>	Summons Issued as to John Wiley & Sons, Inc. (cjlS, COURT STAFF) (Filed on 7/15/2014) (Entered: 07/15/2014)
07/15/2014	<u>16</u>	REPORT on the filing of an action regarding Copyright (cc: form mailed to register). (cjlS, COURT STAFF) (Filed on 7/15/2014) (Entered: 07/15/2014)
07/15/2014	<u>17</u>	Certificate of Interested Entities by John Cunningham, Dennis Kunkel, David Wrobel (Fastiff, Eric) (Filed on 7/15/2014) (Entered: 07/15/2014)
07/16/2014	<u>1</u>	Electronic filing error. Names of interested entities were not entered. Please re-file in its entirety. Re: <u>17</u> Certificate of Interested Entities filed by John Cunningham, Dennis Kunkel, David Wrobel. (cjlS, COURT STAFF) (Filed on 7/16/2014) Modified on 7/17/2014 (cjlS, COURT STAFF). (Entered: 07/16/2014)
07/17/2014	<u>18</u>	Certificate of Interested Entities by John Cunningham, Dennis Kunkel, David Wrobel identifying Other Affiliate Visuals Unlimited, Inc. for David Wrobel, Dennis Kunkel, John Cunningham. (Fastiff, Eric) (Filed on 7/17/2014) (Entered: 07/17/2014)
07/24/2014	<u>19</u>	CERTIFICATE OF SERVICE by John Cunningham, Dennis Kunkel, David Wrobel (Fastiff, Eric) (Filed on 7/24/2014) (Entered: 07/24/2014)
08/04/2014	<u>10</u>	MOTION for leave to appear in Pro Hac Vice Re: Maurice Harmon (Filing fee \$305, receipt number 0971-8818151) filed by Dennis Kunkel. (Harmon, Maurice) (Filed on 8/4/2014) Modified on 8/5/2014 (cjlS, COURT STAFF). (Entered: 08/04/2014)
08/04/2014	<u>11</u>	<b>Order by Magistrate Judge Kandis A. Westmore granting <u>10</u> Motion for Pro Hac Vice Re: Maurice Harmon. (kawlc2S, COURT STAFF) (Filed on 8/4/2014) Modified on 8/5/2014 (cjlS, COURT STAFF). (Entered: 08/04/2014)</b>
08/05/2014	<u>12</u>	CONSENT/DECLINATION to Proceed Before a US Magistrate Judge by John Wiley & Sons, Inc... (Addiego, Joseph) (Filed on 8/5/2014) (Entered: 08/05/2014)
08/05/2014	<u>13</u>	STIPULATION re <u>1</u> Complaint To Extend Time for Defendant Wiley & Sons, Inc. to Respond to Complaint filed by John Wiley & Sons, Inc., John Cunningham, Dennis Kunkel, David Wrobel. (Addiego, Joseph) (Filed on 8/5/2014) Modified on 8/6/2014 (cjlS, COURT STAFF). (Entered: 08/05/2014)
08/06/2014	<u>14</u>	CLERK'S NOTICE OF IMPENDING REASSIGNMENT TO A U.S. DISTRICT COURT JUDGE: The Clerk of this Court will now randomly reassign this case to a District Judge because either (1) a party has not consented to the jurisdiction of a Magistrate Judge, or (2) time is of the essence in deciding a pending judicial action for which the necessary consents to Magistrate Judge jurisdiction have not been secured. You will be informed by separate notice of the district judge to whom this case is reassigned. ALL HEARING DATES PRESENTLY SCHEDULED BEFORE THE CURRENT MAGISTRATE JUDGE ARE VACATED AND SHOULD BE RE-NOTICED FOR

HEARING BEFORE THE JUDGE TO WHOM THIS CASE IS REASSIGNED. *This is a text only docket entry; there is no document associated with this notice.* (sisS, COURT STAFF) (Filed on 8/6/2014) (Entered: 08/06/2014)

08/06/2014	<u>15</u>	<b>ORDER REASSIGNING CASE.</b> Case reassigned to Judge Hon. Jeffrey S. White for all further proceedings. Magistrate Judge Kandis A. Westmore no longer assigned to the case. Signed by the Executive Committee on August 6, 2014. (cjlS, COURT STAFF) (Filed on 8/6/2014) (Entered: 08/06/2014)
08/07/2014	<u>16</u>	<b>ORDER SETTING CASE MANAGEMENT CONFERENCE AND REQUIRING JOINT CASE MANAGEMENT CONFERENCE STATEMENT.</b> Case Management Statement due by 10/10/2014. Initial Case Management Conference set for 10/17/2014 11:00 AM in Courtroom 5, 2nd Floor, Oakland. Signed by Judge JEFFREY S. WHITE on 8/7/14. (jjoS, COURT STAFF) (Filed on 8/7/2014) (Entered: 08/07/2014)
08/08/2014	<u>17</u>	MOTION for leave to appear in Pro Hac Vice <i>re: Marisa Office</i> ( Filing fee \$ 305, receipt number 0971-8831139.) filed by John Wiley & Sons, Inc.. (Office, Marisa) (Filed on 8/8/2014) (Entered: 08/08/2014)
08/08/2014	<u>18</u>	MOTION for leave to appear in Pro Hac Vice <i>re: Robert Penchina</i> ( Filing fee \$ 305, receipt number 0971-8831169.) filed by John Wiley & Sons, Inc.. (Penchina, Robert) (Filed on 8/8/2014) (Entered: 08/08/2014)
08/08/2014	<u>19</u>	<b>ORDER by Judge JEFFREY S. WHITE granting <u>17</u> Motion for Pro Hac Vice for Marisa Office (jjoS, COURT STAFF) (Filed on 8/8/2014) (Entered: 08/08/2014)</b>
08/08/2014	<u>20</u>	<b>ORDER by Judge JEFFREY S. WHITE granting <u>18</u> Motion for Pro Hac Vice for Robert Penchina (jjoS, COURT STAFF) (Filed on 8/8/2014) (Entered: 08/08/2014)</b>
09/04/2014	<u>21</u>	STIPULATION WITH PROPOSED ORDER <i>Stipulation to File First Amended Complaint, to Extend Time to Respond, and to Continue Initial Case Management Conference</i> filed by John Cunningham, Dennis Kunkel, David Wrobel. (Fastiff, Eric) (Filed on 9/4/2014) (Entered: 09/04/2014)
09/05/2014	<u>22</u>	<b>ORDER GRANTING <u>21</u> Stipulation to File First Amended Complaint, to Extend Time to Respond, and to Continue Initial Case Management Conference. Amended Pleadings due by 10/6/2014. Case Management Statement due by 12/5/2014. Initial Case Management Conference set for 12/12/2014 11:00 AM in Courtroom 5, 2nd Floor, Oakland. Signed by Judge Jeffrey S. White on September 5, 2014. (jswlc3, COURT STAFF) (Filed on 9/5/2014) (Entered: 09/05/2014)</b>
10/06/2014	<u>23</u>	AMENDED COMPLAINT with Jury Demand, against John Wiley & Sons, Inc.. Filed by John Cunningham, David Wrobel, Dennis Kunkel Microscopy, Inc., Stephen Babbitt. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D)(Fastiff, Eric) (Filed on 10/6/2014) Modified on 10/7/2014 (jlmS, COURT STAFF). (Entered: 10/06/2014)
11/05/2014	<u>24</u>	NOTICE of Motion and Motion to Transfer Venue; Memorandum in Support Thereof, filed by John Wiley & Sons, Inc. (Attachments: # <u>1</u> Declaration, # <u>2</u> Declaration, # <u>3</u> Proposed Order)(Addiego, Joseph) (Filed on 11/5/2014) Modified on 11/6/2014 (jlm, COURT STAFF). (Entered: 11/05/2014)
11/05/2014	<u>25</u>	ANSWER to Amended Complaint with Jury Demand, filed by John Wiley & Sons, Inc.. (Addiego, Joseph) (Filed on 11/5/2014) Modified on 11/6/2014 (jlmS, COURT STAFF). (Entered: 11/05/2014)
11/05/2014	<u>26</u>	MOTION to Transfer Case ; <i>Memorandum of Law in Support Thereof</i> filed by John Wiley & Sons, Inc.. Motion Hearing set for 12/19/2014 09:00 AM in Courtroom 5, 2nd Floor, Oakland before

Hon. Jeffrey S. White. Responses due by 11/19/2014. Replies due by 11/26/2014. (Attachments: # 1 Declaration, # 2 Declaration, # 3 Proposed Order)(Addiego, Joseph) (Filed on 11/5/2014) (Entered: 11/05/2014)

11/19/2014	<u>27</u>	NOTICE of Appearance of Dean Michael Harvey, filed by Stephen Babbitt, John Cunningham, Dennis Kunkel Microscopy, Inc., David Wrobel (Harvey, Dean) (Filed on 11/19/2014) Modified on 11/20/2014 (jlmS, COURT STAFF). (Entered: 11/19/2014)
11/19/2014	<u>28</u>	STIPULATION WITH PROPOSED ORDER Transferring the Action to the District of New Jersey, Newark Vicinage re <u>26</u> <i>Motion to Transfer Case</i> filed by Stephen Babbitt, John Cunningham, Dennis Kunkel Microscopy, Inc., David Wrobel, John Wiley & Sons, Inc.. (Harvey, Dean) (Filed on 11/19/2014) Modified on 11/20/2014 (jlmS, COURT STAFF). (Entered: 11/19/2014)
12/01/2014	<u>29</u>	<b>ORDER by Judge JEFFREY S. WHITE granting <u>28</u> Stipulation Transferring the Action to the District of New Jersey, Newark Vicinage (jjoS, COURT STAFF) (Filed on 12/1/2014) (Entered: 12/01/2014)</b>
12/02/2014	<u>30</u>	REPORT on the determination of an action regarding COPYRIGHT INFRINGEMENT (cc: form mailed to register). (Attachments: # <u>1</u> Stipulation and Order Transferring Action to U.S. District Court District of New Jersey, Newark Vicinage)(jlmS, COURT STAFF) (Filed on 12/2/2014) (Entered: 12/02/2014)